

DELIBERATIVE, NOT FOR RELEASE, ATTORNEY WORK PRODUCT

Wednesday REPORT – Wednesday, April 26, 2017
CALENDAR FORECAST – 04/27/17 – 05/12/17

Date	Office	Description of Matter and Item Due
Non-responsive - Items unrelated to Bristol Bay / Pebble Mine		

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05/04	GLO	<p><i>Pebble Limited Partnership v. EPA</i>, No. 14-00199 (D. Alaska.) (District Court Judge: H. Russel Holland).</p> <p>This Freedom of Information Act (“FOIA”) lawsuit pertains to EPA Region 10's response to a FOIA request for communications between EPA and certain third parties regarding the Pebble Mine project in Bristol Bay, Alaska. There is a closely related case filed by plaintiffs pursuant to the Federal Advisory Committee Act (“FACA”) (<i>Pebble Limited Partnership v. EPA</i>, No. 14-0171 (D. Alaska)). In the FOIA case, in August 2015, the court granted EPA’s motion for summary judgment in part, finding that EPA’s FOIA search was adequate, but requesting in camera review of a portion of the contested documents to determine the propriety of EPA’s withholdings. After an additional round of briefing and two rounds of in camera review, the</p>
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		<p>court found that EPA had fulfilled all of its FOIA obligations. The only remaining issue in the case is attorneys' fees. The parties in both the FOIA and FACA cases were engaged in settlement discussions, but did not reach agreement. PLP filed a motion for attorney's fees which EPA opposed, and the parties filed a joint motion to stay the case until March 20, 2017. Attorneys: Lynn Kelly; Matt Schwarz.</p> <ul style="list-style-type: none"> The parties must file an agreed upon (to the extent possible) schedule for resolution of the plaintiff's motion for attorney fees no later than May 4 in <i>Pebble Limited Partnership v. EPA</i>, No. 14-00199, a FOIA lawsuit concerning EPA Region 10's response to a FOIA request for communications between EPA and certain third parties regarding the Pebble Mine project in Bristol Bay, Alaska.
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05/04	WLO	<p><i>Pebble Limited Partnership v. EPA</i> (No. 3:14-cv-0171 D.Alaska). Expiration of stay and filing due to court with agreed upon schedule to resolve the case (Bristol Bay FACA and FOIA litigation). Attorneys: Heidi Nalven/Tom Glazer/Wehling and Lynn Kelly/Blake and Noelle Green/Simons</p>

		Upcoming deadline: File status report/scheduling statement.
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Accomplishments and Recent Decisions: 04/19/2017

Date	Office	Description of Accomplishment/Recent Decisions
Non-responsive - Items unrelated to Bristol Bay / Pebble Mine		

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